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| 10/807,238 | 03/24/2004 | Nobutaka Okuyama | 501.43515X00 | 4523 |
| 20457 7590 02/02/2010 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873 | | | | |
| EXAMINER | | | | |
| ALAM, MUSHFIK H | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,238

Applicant(s)

OKUYAMA ET AL.

Examiner

MUSHFIKH ALAM

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 6 and 22 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf (US 6483986) in view of Karaoguz et al. (US 2004/0117836), and further in view of Goode et al. (US 6166730).

Claim 6, Krapf teaches a transmission and reception apparatus which can link with an external device via a network, comprising:

- a reception device (24) configured to receive a channel signal from broadcasted programs based on a channel number (user requested channel) related to channel signal (col. 3, lines 30-41);
- a recording device (2) selectable to effect recording of the channel signal received by the reception device (fig. 2; col. 3, lines 47-57);
- an output device configured to output the video channel received by the reception device (col. 3, line 65-col. 4, line 3); and
- an input unit responsive to user manipulation (pause or request to view alternative subject matter data) (col. 4, lines 15-26),

- wherein, based on user manipulation (request for alternative subject matter data) from the input unit, the recording device starts recording of the channel and the output device stops outputting the channel signal (first content, 12) (col. 4, lines 15-46); and
- the recording device stops recording the video signal (i.e. when program is finished recording or when the watching point coincides with the recording point (col. 5, lines 8-16).

Krapf is silent regarding a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- a transmission system selectable to effect transmission of both said channel signal recorded by the recording device to the external device and said a channel number related to said channel signals to the external device;
- wherein, in response to a time shift reproduction request from the external device, the transmission system transmits, both the channel signal and a channel number and the recording device stops recording the channel signal.
- wherein the transmission of said channel information is timing for starting of recording of said recording of said channel signal regarding to said channel information at the external device.

Karaoguz teaches a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- a transmission system (communication network) selectable to effect transmission (push to other devices) of the channel signal recorded by the recording device to the external device (fig. 1a; paragraph [0096]);
- wherein, in response to a time shift reproduction request from the external device (requested by users), the transmission system transmits, both the channel signal (digital media) and a channel number (bookmarks of Krapf, col. 5, lines 35-42) and the recording device stops recording the channel signal (paragraphs [0094], [0096], [0108]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a technique for transferring recordings across a network as taught by Karaoguz to the recordings as recorded in Krapf because it is desirable to be able to distribute many types of digital media in a user-friendly manner.

Goode teaches a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- transmitting said channel information (bookmarks information) related to said channel signals to the external device (col. 19, lines 1-43);
- channel information (col. 14, lines 38-54) of the video signal for enabling recording of a further recorded portion (saved movies) of the video signal which is broadcasted after receiving the request (bookmark) (col. 19, lines 1-43);
- wherein the transmission of said channel number (bookmarks) is timing (i.e. bookmarks are used for keeping the time position of the video stream for continuation) for continuing of recording of said channel signal from broadcasted programs regarding to said channel number at the external device (i.e. when resumed at external device) (col. 19, lines 1-43). *The bookmarks are interpreted as timing information due to the fact that they are used as a time position marker in the video stream.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a technique for transmitting bookmarks to receivers on a network as taught by Goode to the recorded portions of media of Krapf and Karaoguz in order to allow users to leave one terminal in the middle of a program and continue watching it from where they left off at a different terminal (col. 19, lines 1-43).

Claim 22, note the discussion of claim 6 above. Karaoguz teaches
the external device including:

- a request unit to send the a time shift reproduction request (user requests) to the transmission and reception apparatus (paragraph [0096]);
- a second reception device configured to receive channel signal (recorded portions pushed to particular devices) from the broadcasted programs (one unit to the other) on said channel information regarding to said channel signal received by the reception device (paragraphs [0096], [0103], [0108]);

Goode teaches

the external device including:

- a second recording device (second set top terminal) configured to record the channel signal received by the second reception device (col. 19, lines 1-43); and
- a second output device configured to output said channel signal received by the reception system and then said channel signal recorded by the second recording device (col. 19, lines 1-43).
- after receiving said channel number (bookmarks) from the transmission and reception apparatus (other devices), the second recording device starts recording of said channel signal received by the second reception device (col. 19, lines 1-43);
- wherein, after continuing recording of said channel signal, the second output device starts outputting (signals of Krapf and Karaoguz) of both said channel signals (col. 19, lines 1-43).

Response to Arguments

4. Applicant's arguments filed 10/20/2009 have been fully considered but they are not persuasive.

Applicant argues that Applicant's disclosed and claimed channel number is used for tuning a broadcasted signal, and it is completely different from any bookmark of

Goode. That is, especially, in traversal of the Office Action assertions regarding the Goode reference, it is respectfully noted that the bookmark taught by Goode is actually position within a video stream. (col. 14 and 19), not channel information. More particularly, while Goode does mention "channel" at a number of locations throughout the Goode disclosure, nowhere is Goode's bookmark associated with the channel. That is, Goode's bookmark is just video stream position information.

Applicant's claimed channel information is important in that it is used for selecting one of received channel signals from the broadcasted programs, and for recording of the channel signal received in the transmission and reception apparatus and subsequently in the external device. And of further importance in Applicant's claimed invention, the transmission and reception of the channel information is timing for starting of recording of said channel signal at the external device.

The Examiner respectfully disagrees. Although, Goode doesn't specifically disclose "channel number" in reference to the Bookmark it is broadly interpreted that the channel number is essentially a "bookmark" or "marker" which is used to retrieve the position of the program. Goode performs this function as it would have been obvious to one of ordinary skill in the art to provide information (i.e. bookmarks, channel numbers, etc.) to retrieve a position of a program in order to resume viewing at a different location.

Conclusion

5. Claims 6 and 22 are rejected.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MUSHFIKH ALAM** whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirl Joseph can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/
Examiner, Art Unit 2426
1/26/2010

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
January 30, 2010